

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

December 15, 1999
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, and City Clerk Kevin Halliday.

Additions to the Agenda included Sunday Liquor License, MnDOT Transportation Contract Amendment, consideration of towing and fuel bids, Currency Exchange Application, Committee appointments/re-appointments, Frameries letter, and New Year's Eve announcement.

Council Member Reese offered a motion adopting the Consent Agenda, which included the following: City Council Truth-in-Taxation Minutes of December 1, City Council Minutes of December 1, Rice Hospital Minutes of December 8, Building Inspection Report for November, Housing and Redevelopment Authority Minutes of November 9, Senior Citizen Council Minutes of December 1, Park Board Minutes of December 7, and Airport Commission Minutes of December 7, 1999. Council Member Kelly seconded the motion, which carried.

City Administrator Schmit presented to the Mayor and Council information regarding Y2K issues. Mr. Schmit reassured the community that the City of Willmar is prepared in the unlikely event that various software, hardware or firmware date conflicts caused a disruption in City services. Mr. Schmit directed the Mayor and Council to the Departmental Y2K Report and answered questions regarding staffing on December 31, 1999.

Don Ericson, Kandiyohi County Emergency Services Director, informed the Mayor and Council that public service announcements are forthcoming explaining the precautions taken by his Department. Mr. Ericson stated that he was treating the Y2K event like any other disaster or storm-related service problem. The Emergency Operations Center (EOC) located in the Public Safety Building will be activated at 8:00 a.m. on December 31, 1999. The Willmar EOC will be one of six statewide communication hubs linking each county with the State of Minnesota Control Center.

The Mayor and Council considered a Resolution adopting the 2000 tax levy. Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money to be levied for the current year collectable in 2000, upon the taxable property in said City of Willmar, for the following purposes:

General Fund	\$ 2,375,593
TOTAL:	\$ 2,375,593

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service

Funds of the City, together with the above Debt Service Fund Tax Levy, to pay principal and interest in 2000 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2000 - 2001 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorized the Housing and Redevelopment Authority to levy a special tax in the amount of \$65,314 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council considered a Resolution to adopt the 2000 budget. Resolution No. 2 was introduced by Council Member Kelly and seconded by Council Member DeBlieck. Council Member Kelly offered a motion to include in the budget \$23,000 for additional hours of operation for the Library. Council Member Dokken seconded the motion. Following discussion of the proposed hours and days of operation added to the Library, the amendment carried on a roll call vote of Ayes 6, Noes 2 - Council Members Reese and DeBlieck voted "No." The Resolution as amended then carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

ADOPTING THE BUDGET FOR THE FISCAL YEAR 2000

BE IT RESOLVED by the City Council of the City of Willmar that the Annual Budget for the fiscal year beginning January 1, 2000, which has been submitted

by the Mayor and modified and approved by the City Council, is hereby adopted, the totals of the said budget and the Mayor's division thereof being as follows:

EXPENDITURE REQUIREMENTS

General Government	\$ 1,475,903
Public Safety	2,943,110
Public Works	2,160,304
Leisure Services	917,290
Capital Improvements	1,200,624
Other Operating	1,275,173
Waste Treatment	2,993,652
Debt Services	<u>2,921,421</u>
Total:	\$15,887,477

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Labor Relations Committee Report of December 6, 1999, was presented to the Mayor and Council by Council Member Christianson. There was one item for Council consideration.

Item No. 1 City Administrator Schmit reported to the Committee on the status of filling the position of Willmar Fire Chief. Mr. Schmit briefly reviewed the interview and selection process and concluded by recommending the appointment of Mr. Marvin Calvin. Mr. Calvin currently serves as a paramedic/firefighter with the City of Burnsville and recently resigned his position as Fire Chief of the City of Apple Valley.

The Committee was recommending to the Council that Marvin Calvin be appointed Fire Chief for the City of Willmar and that the City Administrator complete negotiations of a compensation package for approval at the time of appointment. City Administrator Schmit informed the Mayor and Council the various details of the compensation package. Following the report, Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

The Labor Relations Committee Report of December 6, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

The Finance Committee Report of December 6, 1999, was presented to the Mayor and Council by Council Member Kelly. There were five items for Council consideration.

Item No. 1 Don Winckler and Beth Adamson, representing the Mid-Minnesota Development Commission, appeared before the Committee to request the remaining \$6,000 designated to fund a second senior dining site in Willmar be re-designated to off-set a projected 1999 operating deficit. The \$6,000 would cover the costs for approximately one month of meals at the Willmar site. Other areas of funding include Title Three B Funds, USDA and State Expansion Funds.

The Committee was recommending to the Council to re-designate the remaining \$6,000 toward the operating deficit of the Senior Dining Program. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Staff presented to the Committee a request to amend the Police Department budget by the amount of the 1999 Safe and Sober Grant shared with Kandiyohi County. The portion of the grant allocated to cover overtime costs for the Willmar Department was \$15,300. The Committee was recommending to the Council

approval of the request.

Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Police Department of the General Fund:

Increase: Appropriations - Overtime Salaries \$15,300.00

Increase: Estimated Revenue - Grant Revenue \$15,300.00

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed correspondence from Daniel Tollefson expressing an interest in tax forfeited property described as Lots 7, 8 and 9, Block 2, Lee-Don Addition, City of Willmar, Kandiyohi County, Minnesota. The offer was in the amount of \$55,000, \$27,000 for the land and no more than \$28,000 to cover any special assessments.

Mr. Tollefson's intentions are to construct and operate a commercial laundry upon the site consisting of capital improvements estimated at 1.25 million, and employment of approximately 20 employees initially and up to 40 employees within two years after start up. The proposal as requested would require consideration of the following items: re-assessment of special assessments, approval for rezoning, contracts from customers for not less than 2 million pounds of laundry annually, approval of financing, obtaining all required licenses and permits, and the examination of title.

The Committee was recommending to the Council that the special assessments be re-assessed to the amount of \$28,000 thus reducing them by \$17,947.14, contingent upon the execution of a purchase agreement between the Tollefsons and the City of Willmar and Kandiyohi county by March 31, 2000. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 Members of the Blue Line Club contacted the Committee requesting review and discussion of items and procedures in their present contract with the City. Staff was directed to meet with the Ice Arena Manager and representatives from the Blue Line Club to possible work out any differences. This matter was for information only.

Item No. 5 The following reports were reviewed by the Committee: October Rice Trust and D.S. Library. This matter was for information only.

The Finance Committee Report of December 6, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member DeBlieck, and carried.

The Public Works/Safety Committee Report of December 7, 1999, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 Gladys Palm and Sally Hammond of the Humane Society appeared before the Committee to discuss the total number of adult domestic animals allowed per household. They were given a copy of the Zoning Ordinance relating to this issue which states no more than three adult pets are allowed. Also

discussed was the procedure for reporting animal control issues. This matter was for information only.

Item No. 2 Jeff Pattison of West Central Steel appeared before the Committee requesting permission to bury a fiber optic cable to connect a proposed new office building to their existing facilities. Mr. Pattison is pursuing the purchase of property across 19th Street to the east and noted the need to make a decision on purchasing by year-end, and the cable link is crucial in the decision to purchase process.

The Committee discussed possible alternatives to the issue of a private line being placed across public right-of-way, which is contrary to present policy and a violation of the Charter. The matter was referred to staff to contact the City Attorney and Municipal Utilities to seek a possible solution for presentation at the City Council meeting. City Administrator Schmit reported that the Willmar Municipal Utilities and/or SHAL (a telecommunications company) are working to resolve the communications link on their behalf. This matter was for information only.

Item No. 3 Staff was directed in October of 1998 to update the W.T.P. Facility Plan, which will have options for upgrading or building a new wastewater treatment facility. These options were then taken to Jennie-O Foods so they could compare their portion of the costs with the cost of building their own facility. The City is now at the point in the Facility Plan process where it needs to select one option and do a rate study.

Randy Alsleben stated that Jennie-O has decided it is their intent to build their own treatment facility and they would require a two-year notice before it would be up and running.

Public Works Director Odens reviewed the options adding further clarity to each item and assured the Council that Jennie-O analyzed their options and choose to build their own treatment facility.

The Committee was recommending to the Council Option No. 4 (upgrade existing plant and phase to new site without Jennie-O) and conduct a rate study using this alternative. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Kelly seconding the motion, which carried.

Item No. 4 The Committee discussed the speed limit of 35-mph set for First Street from Willmar Avenue south to the bypass and when it would be posted. Staff informed the Committee that the official correspondence showing the speed study recommendations had not yet been received from the State of Minnesota. This matter was for information only.

The Public Works/Safety Committee Report of December 7, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Kelly, and carried.

The Community Development Committee Report of December 9, 1999, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 Greg Spartz presented to the Committee a status report for the Willmar Regional Treatment Center. The Committee heard the following: closing is no longer an imminent issue; major changes have been made as to how and where services are delivered; moving towards being totally funded by program revenues; in August 2000, there will be 5 vacant residential buildings; 500+ employees; approximately \$19 million payroll; 177 total in-patient beds; average daily census of 157; approximately 750 admissions/year; and average stay of less than 15 days. This matter was for information only.

Item No. 2 The Committee considered change orders for the signage portion of the Library project as well as the general contract. The sign contract change order is due to an omission of sales tax on a previous change order. The general

contract change order is for additional brackets on vanity tops and the addition of a front entry ramp guardrail as per Building Official order. The Committee was recommending to the Council adoption of the two resolutions approving the change orders as presented.

Resolution No. 4 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 4

WHEREAS, a contract has been awarded to Nelson Construction Company, Inc., on May 29, 1998, in the amount of \$2,965,000 for the construction of an addition to and renovation of the Willmar Public Library; and

WHEREAS, Change Orders No. 1 through 9 in the amount of \$153,674.00 have previously been authorized; and

WHEREAS, it is desired to add additional work to the above contract.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract estimated to be \$2,532.00.
2. Funding for the additional work is from the G. O. Sales Tax Revenue Bond.

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 5

WHEREAS, a contract has been awarded to ASI Sign Systems, on June 1, 1999, in the amount of \$22,358.89 for signs for the Willmar Public Library; and

WHEREAS, Change Order No. 1 in the amount of \$1,309.84 has been previously authorized; and

WHEREAS, it is desired to add additional work to the above contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract estimated to be \$56.34.
2. Funding for the additional work is from the G. O. Sales Tax Revenue Bond.

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed one concept for new "Willmar" signs. Previously, the Committee had solicited proposals from several local sign contractors. The submitted design was evaluated for adherence to the simple criteria set forth by the Committee, i.e. that the signs be more "substantial," using brick, block, stone, etc. in the construction.

Suggestions for changes were made, and staff was asked to contact the contractor who submitted the proposal and request that he provide drawings of several more options. Funding for the signs was briefly discussed. There is \$4000 in the year 2000 budget for entrance sign improvements. This matter was for information only.

Item No. 4 The Committee discussed the recent problem of one and two-family residential structures using dumpsters in place of garbage cans, thereby allowing for a much greater accumulation of garbage and reduced collection frequency. Although the Committee was reluctant to pursue an ordinance prohibiting such use of dumpsters, staff was asked to continue responding to complaints in an attempt to minimize any negative impacts. This matter was for information only.

Item No. 5 Staff informed the Committee that three tax increment districts had recently reached the end of their lives as determined by statute and adopted plans. The districts are: Brinton Veterinary Supply, Holiday Inn Convention Center, and Jennie-O Foods, all established in 1989. Statute requires that a tax increment district be decertified by formal resolution of the governing body. The Committee was recommending that the City Council adopt the three resolutions dissolving the tax increment financing districts.

Resolution No. 6 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

RESOLUTION DISSOLVING TAX INCREMENT FINANCING DISTRICT BRINTON VETERINARY SUPPLY

(For Resolution in its entirety, see City Council Minutes
File dated December 15, 1999, located in the City Clerk's Office)

Resolution No. 7 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

RESOLUTION DISSOLVING TAX INCREMENT FINANCING DISTRICT HOLIDAY INN CONVENTION CENTER

(For Resolution in its entirety, see City Council Minutes file
dated December 15, 1999, located in the City Clerk's Office)

Resolution No. 8 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

RESOLUTION DISSOLVING TAX INCREMENT FINANCING DISTRICT JENNIE-O FOODS

(For Resolution in its entirety, see City Council Minutes file
dated December 15, 1999, located in the City Clerk's Office)

Item No. 6 The Committee reviewed staff updates on the following projects/department activities: Airport, industrial projects, office projects, housing projects, and fire code/fire marshal issues relating to inspection procedures and needs. This matter was for information only.

The Community Development Committee Report of December 9, 1999, was approved as presented and ordered placed on file upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

Council Member Reese was excused from the meeting at 8:29 p.m.

City Administrator Schmit presented to the Mayor and Council a report and recommendations regarding the legal, technical and financial issues of the proposed transfer of cable franchise from Bresnan Telecommunications Company LLC to Charter Communications Holding Company, LLC. The report, conducted by Moss and Barnett, indicated the strengths of the legal and technical capacity of Charter Communications, but raised several issues regarding their financial capacity. The report advised the Mayor and Council to secure guarantees for the franchise fees due the City. Following discussion, a consensus was reached to consent and approve of the proposed transfer of control of Bresnan as contemplated under the purchase agreement subject to the following: A) closing of the transaction pursuant to the terms and conditions described in information provided to the City by Bresnan and Charter LLC; B) Charter LLC, within thirty days of the date of closing, notifying the City in writing of the completion of the transaction; C) Charter LLC, within thirty days of the date of closing, submitting a guaranty in form and substance acceptable to the City; and D) Bresnan, within thirty days following the date of adoption of Resolution, reimbursing the City for all reasonable costs, expenses and professional fees related to the City's review and action on the proposed transfer of control.

Resolution No. 9 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

APPROVING THE PROPOSED TRANSFER OF CONTROL OF BRESNAN TELECOMMUNICATIONS COMPANY LLC

(For Resolution in entirety, see City Council Minutes file
dated December 15, 1999, located in the City Clerk's Office)

The Mayor and Council considered requests for renewal of current Sunday Liquor Licenses from the following establishments: On-sale - Green Mill, Edinbary's and Blue Heron on the Green; and Club On-sale - American Legion Post 167, Fraternal Order of Eagles and Finstad-Week Post 1639. Council Member Kelly moved to approve the Sunday Liquor Licenses as presented with Council Member Houlahan seconding the motion which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Halliday presented an amendment to the 1999 Transit Contract with MnDOT Office of Transportation, reducing the budget to \$90,000, which reflects the one-half year transit program anticipating expenditures. It was noted the Kandiyohi Area Transit Service began on July 1, 1999, thereby ending the Willmar Heartland Express service. Council Member Kelly moved to approve the MnDOT contract amendment with Council Member DeBlieck seconding the motion, which carried.

The Mayor and Council considered bids received for the 2000 towing requirements. Resolution No. 10 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED, by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Ed's Service Center and Sales Inc. of Willmar, Minnesota, for the 2000 towing requirements is accepted, and the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$15,453.84.

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council considered bids received for the 2000 fuel requirements. Resolution No. 11 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED, by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Dooley's Petroleum Inc. of Willmar, Minnesota, for the 2000 fuel requirements is accepted, and the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$108,648.00.

Dated this 15th day of December, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Administrator Schmit informed the Mayor and Council of a Currency Exchange License application submitted by Russ Bennett for a check cashing service regulated by the State of Minnesota. Following discussion, Council Member Christianson offered a motion to schedule a hearing for January 5, 2000, to consideration the Currency Exchange License application. Council Member Houlahan seconded the motion, which carried.

Mayor Heitke read a letter from Frameries, Belgium, regarding a delegation of 50 young baseball players visiting the area next summer to promote their sports programs. Citizens will be asked to house these players and welcome them to town.

Mayor Heitke explained details of the upcoming New Year's Eve community party planned at the Senior High School and Civic Center Arena. The party offers skating, movies, dancing, games and a food court. Kandiyohi Area Transit will conduct a shuttle bus service between the sites.

Mayor Heitke submitted to the Council for consideration the following committee appointments/reappointments: Municipal Utilities Commission - Pat Day, reappointment; Police Civil Service Commission - Lee Durst, reappointment; Rice Hospital Board - Tim Carlson, reappointment, and Gary Nielson and Connie Vanderbilt, appointment; and Zoning Appeals Board - Tom Amberg, reappointment. Council Member Kelly offered a motion to approve of the appointments/reappointments as submitted. Council Member Anderson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public

Works/Safety, December 28, 1999.

There being no further business to come before the Council, the meeting adjourned at 9:08 p.m. upon motion by Council Member Kelly, seconded by Council Member Houlahan, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL